

SENATOR LINDSAY: That is correct.

SENATOR HOHENSTEIN: And what would be the effective date of the act? And also would it be retroactive...I mean, would it extend the statute of limitations for claims that may be as of the effective date two and a half years old so that they would also be included? Just a couple questions on how that would work.

SENATOR LINDSAY: The operative date would be...there's no E clause so it would be the 90 days after the end of the session. The question, as far as whether it would revive claims, I don't believe that...I think case law tells us that you cannot do that, that we don't have the ability to do that. It can affect claims that currently exist and have not been barred and would presumably apply to those. It would not...I don't think we can go back and revive claims that have already been barred by the statute.

SENATOR HOHENSTEIN: Okay, so for the record, what you're saying is that if a claim as of the effective date of the act were two years and one day old, it wouldn't affect that claim, it would not revive it but if a claim were exactly two years old as of the effective date of the act, an individual would have an additional two years in which to file the claim.

SENATOR LINDSAY: That would be correct.

SENATOR HOHENSTEIN: Okay, thank you.

SPEAKER BAACK: Thank you, Senator Hohenstein. Senator Preister.

SENATOR PREISTER: Thank you, Honorable President, friends all, I would like to ask Senator Lindsay a question, if I may, please.

SPEAKER BAACK: Senator Lindsay, would you respond, please.

SENATOR LINDSAY: Yes.

SENATOR PREISTER: Maybe even a couple of questions, Senator Lindsay. It appears to me that the amendment pretty much guts the bill. The part that concerns me, I guess, is the elimination of a jury trial. And not being familiar with tort